

**Foxborough Planning Board  
Meeting Minutes  
March 21, 2013  
Town Hall**

**Members Present:** Kevin Weinfeld, William Grieder, Gordon Greene, Ron Bressé, Shannon McLaughlin, Alternate John Rhoads

**Also Present:** Planner Sharon Wason, Board of Water and Sewer Commissioners William Euerle, Mike Stanton and Rich Pacella, Advisory Committee Members Larry Thomas, Kevin Powers, George Leonard, George Adler and Howard Segal

**7:00 p.m. Joint Meeting with Board of Water and Sewer Commissioners and Citizen's Advisory Committee**

The Board invited the BWSC and the Ad Comm members to this meeting for information sharing in regards to the Master Plan. The BWSC are in the middle of an Intermunicipal Agreement negotiation with Mansfield and Norton to increase sewer capacity in town.

Mr. Euerle explained that the most current plan called for a 175,000 gallon expansion which would be available in 2017. This would have included the towns of Foxboro, Mansfield and Norton. Norton is now negotiating with Wheaton College to get flow from them so no one is sure where Norton stands right now. Mr. Paicos has spoken with the Town Manager of Mansfield who said that Mansfield and Norton should come to an agreement and then Norton could join in if they were able.

Mr. Grieder asked about what authorization the BWSC has to proceed with joining the IMA and what part Town Meeting would play in it.

Mr. Euerle explained that their Board needs to define a sewer district/service area in town. They were first thinking of a "if you're on sewer, you're in" district.

Mr. Grieder stated that the Planning Board has a focus on downtown as part of the Master Plan and would like that area in the district. If a service district is formed of only current users, then the downtown would be out. The Board feels very strongly that downtown needs to be included in the district. Another advantage to including that area from the beginning is that permission would not have to be granted by Town Meeting every time a new downtown business wants to join the district.

Advisory Member Kevin Powers stated that he was under the impression that Town Meeting is a check for who gets to join the district, this check would be eliminated if permission is not needed from Town Meeting.

Mr. Greene stated that in previous town meetings, the townspeople have made it clear that they did not want to be forced to join the district by betterment.

Mr. Powers stated that he has been told that the IMA agreement will have more of an impact on commercial development in town but wanted to know if it will actually have more of an impact by allowing housing developments which will result in more kids in the school system.

Mr. Weinfeld stated that most of the children in town live in single family housing and not in the apartment houses. There are zoning restrictions on multi-family housing.

Mr. Grieder explained that the downtown district will be for current zoning which are mostly business and not a lot of residential. Zoning changes would be needed to modify this, which requires a town meeting vote.

Mr. Euerle stated that the IMA agreement is not required to go to Town Meeting as permission was already granted in 2008 by a Town Meeting vote. They also won't be ready with the district for the upcoming town meeting.

Mr. Grieder explained that 12,000 – 15,000 gallons per day is what they estimate will be needed for downtown. A majority approval at Town Meeting would be needed to expand the district unless an emergency connection is needed.

Mr. Grieder stated that the Kraft Organization came to the last Board meeting for a proposed expansion at Patriot's Place and a resident raised concerns about there being a shortage of water to support another hotel. She also stated that the brown water in town is caused by overpumping of the town wells.

Mr. Euerle presented an email from the Water Superintendent Bob Worthley addressing these concerns. Mr. Worthley states that there are approximately 1.5 gallons per day of water available to the town through the Water Management Act. He goes on to explain that untreated iron and manganese is the cause of the brown water, when those substances are exposed to the chlorine in the system, brown water results. He also addressed the concern that the town doesn't have available water because of the summer water bans. These bans are required as part of the Inter Basin Transfer Permit which sets limits on the amount of water withdrawn per person per day based on population.

Larry Thomas of Advisory stated that he feels the choices are that the town can do nothing and let the downtown area go or get the sewer so downtown can be revitalized.

Mr. Powers wanted to know if there were other towns that lost their downtown vitality and then regained it through a new sewer system. Ms. Wason stated that Walpole's downtown has made a comeback through locally owned businesses and restaurants. They also have residential areas downtown which help bring people to the local businesses. Franklin and North Attleboro have also revitalized their downtown areas.

Mr. Powers fears that the aquifers will not be replenished. Mr. Weinfeld added that Foxboro's water naturally goes to other aquifers as Foxboro is located uphill.

Mr. Weinfeld stated that the town will end up with Chestnut Green or Patriots Place as replacements for downtown if nothing is done.

Mr. Powers feels that sewer expansion will result in an increase of population density for the town.

Mr. Euerle stated that the BWSC is hoping to bring a district to fall town meeting.

The BWSC and the Advisory Committee adjourned the joint meeting at 7:55 p.m.

### **Planner's Report**

**Engineering Consultant RFQ** – There were ten responses to the recent RFP. One additional response was delivered to the email Spam file, but beat the deadline. One firm, Beals and Thomas, ended up

sending their application by FedEx as they could not get an email to go through. Ms. Wason will ask the Town Manager as the Chief Procurement Officer to make a determination if the Beals and Thomas RFP can be accepted as it was delivered after the deadline.

**Grants** – Ms. Wason attended a MPO meeting in Boston recently for the Transit Grant that was applied for. Foxboro ranked number 2 out of 13 submitted.

The MAPC still has DLT A grant money available. Ms. Wason would like to finish some of the grants in progress before she applies for any more.

The next meeting will be on April 11<sup>th</sup>, agenda items include the Town Counsel meeting in regards to Highlawn and the Warrant Article Hearings.

**8:00 p.m.      Public Hearing – Site Plan Review  
Compost Site  
East Belcher Road**

Town Engineer Bob Swanson and surveyor Rich Leslie of Bay Colony came before the Board on behalf of the Town for the Compost Site on East Belcher Road. Mr. Leslie explained that they have Orders of Conditions from the Conservation Commission with a 12 foot limit in the northern portion of the site. This limits the compost site to the part that is working.

The Town is the applicant but will be engaging an operator of the site. The Board reminded them that any failure to follow conditions in the Special Permit will fall upon the town.

Mr. Leslie stated that there is an existing row of logs that now has a six foot chain link fence to separate that area. There existing signage will remain as well as the knock box at the gate.

The submitted plans have also been distributed to the Conservation Commission.

Mr. Grieder asked if they need to make any considerations for the proposed solar facility. Mr. Leslie explained that it would be located at the top of the former landfill and will not be using the same driveway, but that will be determined during site plan review.

Mr. Grieder also noted that there will be a condition that foam will be on site in case of fire. This is a condition from the Fire Department. The operator will be responsible for providing it.

Andy Felix of Tree Tech stated that he believed this area will be more of a transfer station than a composting site as there is not much room.

Mr. Rhoads would like to see the datum survey on the plans.

Mr. Leslie explained that they are working on the restoration required by the Conservation Commission; the Board of Water and Sewer Commissioners had no concerns; the Board of Health questioned if there should be a port-a-potty on the site.

The chain link fencing is a temporary fencing that will be used during the modification. The Board thinks that steps should be taken to make sure there is no access by any children in the area. They should check with Mr. Paicos to see if there are any insurance requirements for fencing.

Meagan Hoehn wanted to know if the fencing will have a gate to access the restoration area.

The wording on the plan that refers to the fencing will need to be updated.

A **motion** to close the Public Hearing was made by Mr. Greene and seconded by Mr. Grieder. The motion carried 5-0-0.

Ms. Wason has prepared a draft decision for review. All previous conditions have been noted in this new decision. The wording needs to be changed from Operator to Applicant and the references to solar will be removed.

The Board noted that all conditions will need to be met before the Site Plan Approval is usable.

Mr. Swanson will speak to Deputy Fire Chief Bagley about the foam condition.

The Board reviewed the decision. Conditions #9, 18, 20, 22 and 23 will be deleted. The name of the area will be changed from Compost Facility to Yard Waste Disposal area.

A **motion** to approve the Special Permit as modified was made by Mr. Greene with the following conditions and seconded by Ms. McLaughlin. The motion carried 5-0-0.

**Conditions:**

1. This site plan approval is only valid for the yard waste disposal activity only within the Phase 1 area designated on the plan. Although the Request for Proposals allows the site to be used for other purposes, any other use, including the stockpiling, storage, or processing of logs, shall not allowed until the Planning Board reviews and approves a subsequent site plan for the remainder of the site.
2. The Applicant shall pay the required inspection fee.
3. The Applicant shall be responsible for maintaining the access road for the duration of the contract with the Town.
4. The Applicant shall maintain the drainage system as needed, including removing leaves and debris periodically. Failure to maintain the drainage system will be considered a violation of this approval. In the event of a maintenance failure, the Applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the Applicant's failure to cure such deficiency in maintaining the drainage system will be considered a violation of this approval.
5. The Applicant shall install proper signage within the Municipal Compost Site and access road for safe and proper traffic flow. The Applicant shall install an entrance sign to the Municipal Compost Site showing operating hours. The Applicant shall install signage informing residents of allowable materials and proper composting and signage detailing emergency procedures and contact information, including, but not limited to, the Applicant (24-hour access number), the Foxborough Police Department, the Foxborough Fire Department, and Foxborough Board of Health.
6. The Applicant shall maintain the existing entrance gate and replace it as needed. The entrance gate shall be in acceptable and good condition at all times. The entrance gate shall be equipped with a Knox box or other mechanism to allow 24-hour access to site by Town of Foxborough emergency personnel.
7. Working hours shall not exceed 7 a.m. to 7 p.m. Monday through Saturday per Town of Foxborough General By-Laws.
8. The fencing and vegetative screening along East Belcher Road shall be maintained. Failure to do so will be considered a violation of this approval. In the event of a maintenance failure, the Applicant shall be provided notice and the reasonable opportunity to cure any such deficiency; the Applicant's failure to cure will be considered a violation of this approval. The removal of invasive trees, brush, and other vegetation shall be continued.

9. Truck traffic shall be directed to utilize East Belcher from the north only. Commercial landscapers permitted by the Applicant to utilize the facility, trucks transporting material from the site, and other large vehicles shall be directed to utilize East Belcher Road towards Cocasset Street only.
10. The Applicant shall install “STOP” near the gate at East Belcher Road. The Applicant shall install a “RIGHT TURN ONLY” and an international graphic sign signifying “no left turn” on the westerly side of East Belcher Road immediately across from the gate. If determined necessary, the Applicant shall install other standard traffic control signs as directed by the Planning Board or other Town official.
11. All signs installed on site shall comply with section 15B of the Foxborough General By-Laws.
12. The Applicant shall have on site at least one emergency spill containment kit (or more if required in writing by the Fire Chief) and provide training to yard personnel. The Applicant shall install a spill response sign with emergency contact information and telephone numbers at a location specified by the Fire Chief.
13. The Applicant shall obtain sufficient quantity (as specified by the Town of Foxborough Fire Department) of class A foam to be stored at the Fire Station or other location specified by the Fire Department prior to the issuance of a certificate of occupancy for the modular office building. Should the Fire Department determine that the supply of class A foam on hand is insufficient in their judgment, the Applicant shall procure additional foam.
14. Should the Planning Board have concerns with the level of lighting, intensity of the lights, or lighting spillage onto abutting properties or the street, the Board reserves the right to require the Applicant to adjust the level of lighting, the type of lighting fixtures or the location of individual lights.
15. Any proposed change(s) from the approved plans deemed substantive by the Planning Board and/or the Building Commissioner or any future changes in the use or in the intensity of an existing use, shall be submitted for review to the Planning Board. The Board shall determine if there is a need for a public hearing and shall then act accordingly on the change(s). Approved revisions shall be illustrated on plans and submitted.
16. This PHASE 1 site plan approval will not relieve the Applicant of the responsibility of obtaining other required approvals from local, state or federal agencies.
17. This approval shall further terminate upon conclusion of the yard waste disposal activities on site by the Applicant.

**9:00 p.m. Master Plan Update**

The Board met with Kathy McCabe for an update on the Master Plan. She distributed the Transportation Plan at a previous meeting and wanted to review it this evening.

The Board discussed the length that should be allowed for a dead end road and whether there should there be an emergency access if the dead end road is lengthy.

It was noted that there is a need for public transportation and access to transportation. The Board also discussed ADA compliance, scenic roads and sidewalks.

Ms. Wason noted that there is a potential project to beautify the downtown.

**10:20 p.m. Meeting adjourned.**

Respectfully Submitted,  
Diana Gray

Approved by: Kevin Weinfeld\_\_\_\_\_

Date: 10/24/2013